

(8) Copies of records should be given within seven days from the date of presentation of copying paper.

(9) Records relating to disposed of cases should be returned within two days of the presentation of the application.

(10) Records produced in courts should be carefully kept.

(11) Account books produced in courts should be kept under seal and the seal should be broken only in the presence of the party or his Vakil.

(12) Money deposited in courts should be readily disbursed to the claimants on their application.

(13) Applications for transfer of suits from one court to another should be immediately allowed.

(14) Affidavits should be insisted on only in special instances.

(15) The maximum period within which a suit should be disposed of should be limited to three years.

(16) Parties under arrest escaping from custody should be prosecuted. Where the peons were at fault, their conduct should be taken notice of.

(17) With a view to preventing mischievous protraction of trials, interest at the rate of 12 per cent. should be levied on plaint amounts from the date of the suit till the date of the judgment and interest at 9 per cent. after that.

(18) Unspent process fees and batta should be returned to parties.

(19) Statements of daily work of clerks should be prepared every day and examined by the chief ministerial officer. They should be examined once in seven days by the presiding officer.

(20) Tandaper accounts should be obtained from the Proverthicar instead of the Tahsildar, for the purpose of attachment of immovable property. This would save much time.

(21) High Court Judges inspecting the lower courts should devote at least four days for the inspection of each court.

DEWAN'S REPLY: Mr. Bagavathiperumal Chettiyar, on the last occasion your representation covered about 23 matters in relation to the working of courts. I think the views of the High Court on all those points were ascertained and communicated to you in Huzur letter No. 95 dated 12th January 1928. I think many of the points that you have taken up here to-day relate to points already taken there and in view of that, I do not propose to say anything more than has already been intimated to you. If there are any fresh points you wish to take up, I would suggest your doing as I asked you on the last occasion and that is, to select any 3 or 4 which you consider the most important and communicate them to the Chief Secretary and those will be examined as far as possible.

You want the clerks to do their work systematically and regularly, well, I shall pass orders on that.

21. Hardships caused to the public by the delay in the execution of decrees in Civil Courts.

MR. C. JOHN ABRAHAM (*Member, Trading Classes, Kottayam*) said that a decree-holder had at every step to bribe the subordinates of the civil courts before he could get a decree executed in time. Even to get the copy of a decree he had to depend on the favour of the record-keeper, examiner and other clerks. The same was the experience in the case of warrants and summons. Nor were Amins free from blame. If the value of a property was to be properly assessed, the Amin had to be paid something. And the decree holder was sure not to get a sanad unless he had the favour of the execution clerk. These malpractices had to be put an end to as early as possible. It would probably be useful if Munsiffs and Judges made it a point to enquire about the execution proceedings in their courts at least twice a week. It would also be useful if complaints against clerks and process peons were properly looked into by the officers. In addition to these, the appointment of a circuiting officer to examine execution proceedings in the several courts might serve as an effective remedy.

DEWAN'S REPLY: Mr. John Abraham, as regards the delay in the execution of civil court decrees the High Court are directing attention to it, and are insisting upon the lower courts seeing that more speedy execution is ensured. They are taking all action in the matter. And it will be much easier for them to correct this defect if gentlemen like you bring particular, specific cases to the notice of the High Court. However, if you will be so kind as to give me your representation which you have so considerably printed, I shall forward it to the High Court.

The Assembly adjourned at 4-15 P. M. to meet again at 11-30 A. M. on Wednesday, the 29th February 1928.